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**OFFICE OF PETITIONS**

In re Patent of Brodesser et al.	:	
Patent No. 6,581,561	:	
Issue Date: June 24, 2003	:	Letter
Application No. 09/914,972	:	
Filing Date: December 14, 2001	:	
Attorney Docket No. Brodesser et al. - 2PCT	:	

This is a decision in response to the paper filed August 7, 2008,<sup>1</sup> which is being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data on the front page of the above-identified patent.

The request under 37 CFR 3.81 is **dismissed**.

Effective June 25, 2004, the practice relating to issuance of a patent to an assignee was modified by requiring that, after payment of an issue fee, a request for a certificate of correction must be filed in order to obtain issuance of the patent to an assignee. Thus, where the assignment data is submitted after payment of the issue fee, the patent document will not include the assignment information. Therefore, as 37 CFR 3.81(b) was modified to provide for issuance of the patent to the assignee, the practice of waiving the rule (37 CFR 3.81(a)) under 37 CFR 1.183 is longer necessary and has been eliminated.

37 CFR 3.81(b) states, with emphasis added,

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the *assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent....*

The papers filed August 7, 2008, request the Office issue a certificate of correction that includes "Dr. Ing. h.c.F. Porsche Aktiengesellschaft, Weissach (DE)"(Dr. Ing.) as an assignee.

The patent issued June 24, 2003. The record fails to indicate the recordation of an assignment to Dr. Ing on any date prior to April 4, 2004. Therefore, since the assignment was not recorded as

<sup>1</sup> The original copy of the papers filed September 10, 2007, cannot be located. Therefore, the instant letter is based on the copy of the papers filed August 7, 2008.

of the date the application issued as a patent, a certificate of correction adding the assignee will not be issued.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Request under 37 CFR 3.81."

Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
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By facsimile: (571) 273-8300  
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By hand:        U.S. Patent and Trademark Office  
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                  Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read "Charles Brantley", with a stylized flourish at the end.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions